

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gaerhard Kring
Appl. No.: 10/057,019
Conf. No.: 3593
Filed: January 25, 2002
Title: METHOD, PROGRAM, AND ARRANGEMENT FOR SYNCHRONIZING A
NETWORK MANAGER
Art Unit: 2145
Examiner: Melvon H. Pollack
Docket No.: 112740-515

Director of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This request is submitted in response to the Final Office Action dated September 26, 2005. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-7 are pending in the present application. Claims 1, 6 and 7 are the focus of this request.

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sundaram et al.* (U.S. Patent No. 6,564,341). Applicants traverse this rejection. Favorable reconsideration is respectfully requested.

Specifically, *Sundaram* does not disclose “storing a third value, for indicating who initiated a respective last change, in the agent; storing a copy of each of the first, second and third values for each data copy in the manager; comparing the copy of the first, second and third values stored in the manager with the respectively associated first, second and third values stored in the agent; and synchronizing each data copy, whose copies of the first, second and third values stored in the manager do not match the associated first, second and third values stored in the agent, to the associated data unit stored in the agent.” as recited in claim 1 and similarly recited in claims 6 and 7. The present claims recite a configuration where correct synchronization can be obtained when, for example a primary manager (M1) has at least one backup manager (M2) associated with it in addition to a backup/restore system. Using a reasonably broad interpretation of the claimed features, the term “copy” necessarily implies that there must exist (1) a first, second and third values for each data copy in the manager, and (2) a copy of the first, second and third values for each data copy in the manager. The present claims address the latter configuration, while the cited art deals with the former.

Sundaram discloses fault monitoring in an unreliable network transport environment, where an element manager of the system is adapted for formulating and sending notifications through the unreliable network transport environment, and each notification having an unique transmitted notification serial number (TxNSN) (see Abstract). A network manager is operatively connected for bi-directional communication with the element manager. The network manager includes a detection mechanism responsive to notifications received from the element manager to detect a missing notification on the basis of the respective TxNSNs of received notifications; and a polling mechanism responsive to detection of a missing notification to send a

polling request to the element manager for transmission of a response containing data related to the missing notification (see col. 15, line 14 – col. 16, line 8).

In the disclosure of *Sundaram*, the document teaches that the *original* first and second values are stored in the agent (FIG. 4, ref. 22 see also notification log 24). These features are acknowledged in the present application (see amended specification, page 2, line 30 - page 3, line 23). However, *Sundaram* is silent regarding storing a *copy* and synchronizing the values to copies and claimed in the present application. Also, *Sundaram* does not teach synchronizing each data copy (whose copies in the manager do not match the associated values stored in the agent) to the associated data unit stored in the agent. *Sundaram* discloses the transmitting of polling requests that time out with no response, in which case an NMS 12 may be programmed to wait a few minutes and retry to determine if there is a persistent link problem. Once the NMS 12 determines that there is a communications loss problem, it can operate on the basis that all of the faults-related data previously communicated by the EMS agent 6 is no longer accurate. As a result, the NMS 12 changes all of the NEs 4 in the EMS domain 8 to "unknown" status and clears all outstanding alarms.

The NMS 12 continues to send polling requests at a predetermined frequency, and, during this cycle, if the polling requests come back with appropriate responses, the NMS 12 determines that the communications loss problem with the EMS agent 6 has been resolved, and restores the current NE 4 data in the NMS-MIB 16 by polling the EMS-MIB 10 (col. 15, lines 19-39). In other words, *Sundaram* has an initial value stored and subsequently cleared (i.e., no further copies exist) if the polling indicates a link problem. Thus, *Sundaram* does not disclose synchronizing to copies of the values.

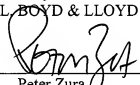
Furthermore, as the Office Action indicated, *Sundaram* does not disclose a third field of data. Contrary to the Examiner's assertion that the third data "is not functionally related," the present claims also recite comparing the copy of the first, second and third values stored in the manager with the respectively associated first, second and third values stored in the agent; and synchronizing each data copy, whose copies of the first, second and third values stored in the manager do not match the associated first, second and third values stored in the agent, to the

associated data unit stored in the agent. Applicants submit that these limitations are indeed functional and that *Sundaram* fails to teach these features.

In light of the above, Applicant respectfully submits that the rejection under 35 U.S.C. §103 is improper, and independent claims 1, 6 and 7 of the present application, as well as claims all claims which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that the Board overturn the rejection and issue a timely Notice of Allowance in this case. If any additional fees are due in connection with this application as a whole, the Office is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-515) on the account statement.

Respectfully submitted,
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